

Battle Creek City Planning Commission

Staff report for the October 26, 2011 meeting

To: Planning Commissioners

From: Christine M. Hilton, AICP, Planning Supervisor
Planning and Community Development Department

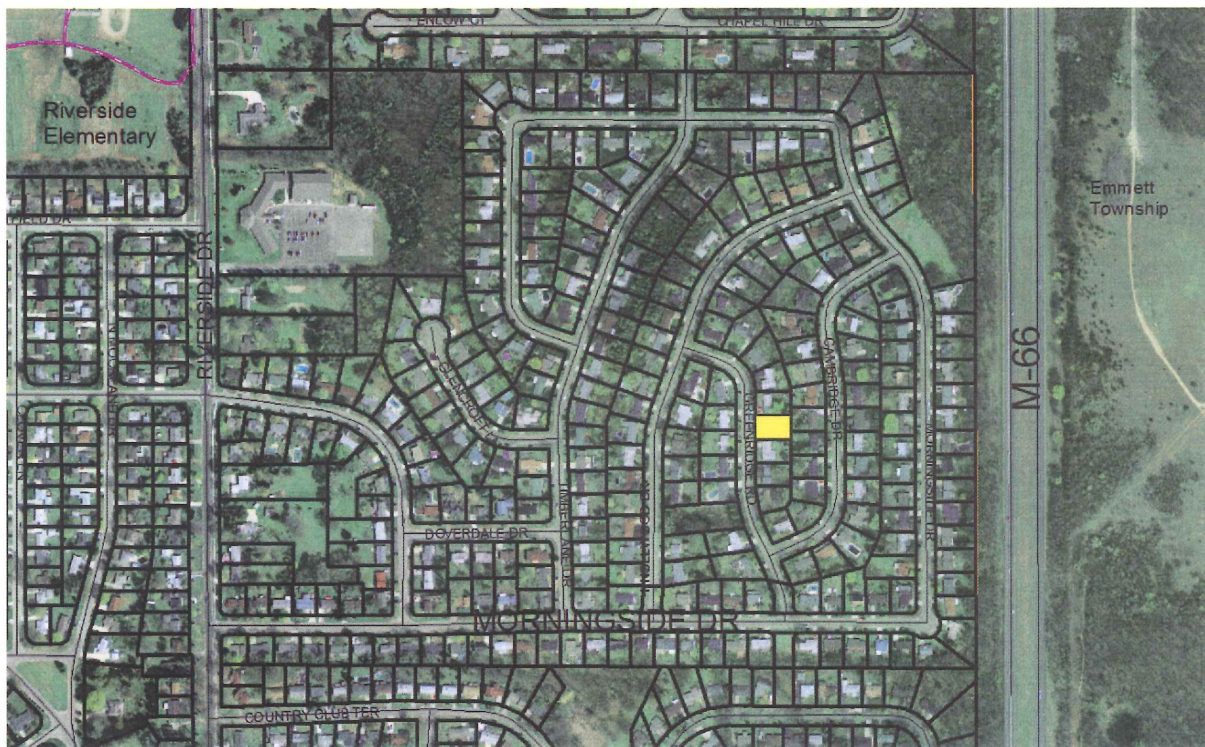
Subject: Petition S-05-11, a Special Use Permit request for a Group Day Care Home for 723 Greenridge Road, Parcel #8053-17-153-0

Summary

A petition from Mr. & Mrs. Mark and Pam VanOosten, 723 Greenridge Road, Battle Creek, MI, 49017, requesting a Licensed Group Day Care Home to be operated in an “R-1B Single Family Residential” zone, as provided for in Chapter 1290, Section 1290.01(b)(6).

Background/Property Information

The subject site is located on the east side of Greenridge Street, mid-block between Morningside Drive and Knollwood Drive.



The parcel is 9,599 s.f. (.22 acre) in size with 80' of frontage, which is consistent with the size of parcels in the neighborhood. City assessing records indicate the structure was constructed in 1965. The property is zoned R-1B Single Family Residential.



Surrounding Land Uses / Zoning

The property is in a residential neighborhood with maintained single family homes built in the mid-nineteenth century. The entire vicinity is also zoned R-1B Single Family Residential.

Proposed Scope of Project

As permitted by the zoning ordinance, the petitioners Mr. and Mrs. Mark and Pam VanOosten have been operating a Small Day Care Home (capacity of six children) at this property for the past year, and there is no record of any complaints registered with the State of Michigan. Property files demonstrate that there have been no complaints concerning the use of the property as a day care, nor for any other code or housing violations.

They are now seeking the special use permit to allow for a Group Day Care Home at this property, which would increase the capacity to up to twelve children. They have indicated on their application that the hours of operation will be generally during the daytime hours, specifically between 6:30 am to 5:30 pm.

The petitioners live at the house, which is a State requirement for this type of day care. The day care operates in the main portions of the house. There is ample driveway space to allow for off-street drop-off and pick-up of children. There is a playground in the backyard that is used by those attending daycare. The backyard is surrounded by a six foot wooden privacy fence.

The State of Michigan Department of Human Services (DHS) administers the licensing program that is required for all day care facilities. A Group Day Care Home is defined by the State as a private home in which care is provided to more than 6 but not more than 12 minor children for periods of less than 24 hours a day unattended by a parent or legal guardian. Structural changes are typically not required for these uses, but the State does regulate the certain code requirements such as heating, electrical, and smoke detectors. The State further regulates the actual operation of the day care including staffing, meals, daily activities, paperwork, etc. The complete set of State regulations can be found on the DHS website.

Applicable Ordinance Provisions

Group Day Care Homes, those providing care for seven to twelve unrelated minor children, are addressed in the City of Battle Creek Zoning Ordinance, Chapter 1290 Special Land Uses, specifically 1290.01(b)(6) which allows for "*Public, parochial or private school housing facilities; convalescent or nursing homes; homes for the aged; nursery schools or day care centers*." Those providing care for six children or less are allowed as a home occupation; and this section of the ordinance (1292.03(b)) also states that a special use permit is required for those providing care for more than six unrelated children.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Battle Creek Shoppers Guide September 30, 2011 and notices of the public hearing were also sent by regular mail on October 3, 2011 to forty-one owners and occupants of properties located within 300 feet of the subject parcel. We have received one letter from a neighbor, attached to the application, and she has no objection to the request to increase the capacity of the day care. We received a few phone calls asking questions about the application, but none that requested to formally submit their opinion on the issue.

As part of their application, the applicant submitted a petition of the neighborhood that seems to indicate general support of the request. Also submitted were letters of support from parents that currently utilize the daycare.

Neighborhood Outreach

The petitioner attended the Neighborhood Planning Council #11 meeting on Wednesday, September 28, 2011. It is our understanding that the NPC voted to recommend approval of the request; however, we have not yet received written confirmation.

Basis For Determination

As a special use, the Planning Commission is charged with reviewing each Special Use Permit request to determine any effects the proposed use would have on the Master Plan as well as on the character and development of the neighborhood. The ordinance and enabling legislation allows the Planning Commission and the City Commission to impose any conditions upon the request that would ensure the general objectives of the zoning ordinance are met and to preserve property values in the neighborhood.

The request shall be reviewed using the following standards listed in Chapter 1290.04 Basis for Determination (for Special Use Permits):

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- (b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.
- (c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.
- (f) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.
- (h) The use will be consistent with the intent and purpose of this Zoning Code.

Analysis and Recommendation

Staff has reviewed the application and finds that it meets the requirements for submittal and is considered complete. Staff further finds the request consistent with the general standards listed in 1290.04, as outlined herein:

- (a) The use of this structure as a Group Day Care Home will be harmonious with and in accordance with the general objectives of the City of Battle Creek Master Plan. One goal of the plan is to have a work force large enough to help attract new economic development (pg. 4-2), and an important factor in this goal is the availability of adequate and safe day care for children of working families. To that end, the master plan calls for the City to ensure zoning ordinance regulations will ensure adequate opportunities for safe and convenient day care and other support services near residential and high job-producing areas (pg. 4-3).
- (b) The proposed use will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood as the primary use of the property is still residential and there are no exterior signs of the day care.

- (c) The use will not be hazardous or disturbing to existing or future neighboring uses as the proposed use is compatible with surrounding zoning and residential land uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole as a valuable service is provided to the community, in relatively close proximity to families, schools, and employment centers.
- (e) The use will be adequately served by essential public facilities and services in that public utilities already exist and no additional needs are required for this use.
- (f) There will be no City expenses associated with the maintenance and improvements to the property, and therefore, the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) There will be no activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors. Any noise associated with the use will be the result of typical activities found in a residential neighborhood.
- (h) The use will be consistent with the intent and purpose of this Zoning Code in that the facility will be subject to compliance with all relevant sections of the zoning ordinance and codified ordinances, including noise, noxious vegetation, and property maintenance. Additionally, it will be required to be in compliance with all State licensing/certificate regulations concerning the proposed use.

Therefore, as the request meets the general standards listed in Chapter 1290.04 as outlined above, planning staff recommends that the Planning Commission recommend to the City Commission approval of Special Use Permit Petition S-05-11 that would allow an Group Day Care Home, on Parcel #8053-17-153-0 with the following conditions:

Project Specific Conditions:

- 1. All necessary approvals and any required permits shall be obtained, and maintained if applicable, from the appropriate agencies, including but not limited to the State of Michigan, Department of Public Works, and Inspections Department prior to Certificate of Occupancy.**
- 2. The approval of the special use permit is based upon the contents of the submitted application, including but not limited to the nature of the facility being a Group Day Care facility with a maximum capacity of twelve children. Any future proposed change must be reviewed with the Planning Department to ensure consistency with the approved special use permit, and may be subject to approval of a revision of the special use permit by the Planning Commission and City Commission.**

Administrative Conditions:

3. Pursuant to Chapter 1232.01 (a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning Codes.
4. Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.

The Planning Commission can add additional conditions to those listed above in the staff recommendation. The Planning Commission may also upon deliberation, choose an alternative action from the following alternatives:

- A1: Postpone the project for specific reasons, with agreement from the applicant;
- A2. Articulate revised rationale of the general standards and/or conditions to recommend to the City Commission Approval OR Denial of the subject application.

Attachments

The following information is attached and made part of this Staff report.

1. Special Use Permit petition Form and Supplemental Information (Petition #S-05-11)

PETITION FOR A SPECIAL USE PERMIT



City of Battle Creek, Michigan

Department of Planning and Community Development

Petition No. S-05-11

Please read instruction on reverse before completing this form.

If additional space is required, attach a separate sheet.

The City Commission of the City of Battle Creek, Michigan

Honorable Mayor and City Commissioners:

I / We, the undersigned owner(s) of the property described below and indicated on the attached site plan, do hereby petition for a Special Use Permit under the provisions of Chapter 1290, "Special Uses and Land Development", of the Planning and Zoning Code of the City of Battle Creek, to permit this property to be used exclusively as indicated below.

Legal Description of Property: 723 Greenridge Rd.

Battle Creek, MI 49815

Southgate #3 Lot 153 PARCEL # 8053-17-153-0

Present Use of Property:

Licensed day care up to 6 children

Proposed Use of Property:

Licensed day care between 7 + 1/2 children

Reasons why petitioner feels that a Special Use Permit should be granted:

At Sept. 28, 2011 NPC meeting, endorsement + approval was given to expand daycare.
Clear driveway for dropoff + pickup. Large, fenced in (8 ft.) back yard. Will
have 2 daycare providers on site. Low traffic volume in neighborhood.
Hours of operation are 6:30AM - 5:30PM

Present Zoning Classification: R1B

District. 13090-Lakeview
Schools

Property Owner(s) ☒ or Agent ☐ (Check one)

Pam Van Oosten

Mark Van Oosten

Name

Name

723 Greenridge Rd.

723 Greenridge Rd.

Address

Address

969-9133

969-9133

Telephone

Telephone

Fax

Fax

Pam Van Oosten

[Signature]

Signature

Signature

FOR OFFICE USE ONLY

Date Petition Received: 8-30-11

Petition Fee Received: \$600.00

Received By: [Signature]

Planning Commission Recommendation:

Approve ☐ Deny ☐ Date ☐

City Commission Action:

Approve ☐ Deny ☐ Date ☐

Resolution No. ☐

INSTRUCTIONS FOR FILING A PETITION FOR A SPECIAL USE PERMIT

This petition must be accompanied by the following:

1. Payment of a non-refundable **\$600.00** Petition Fee.
(Make Checks Payable to: City of Battle Creek)
2. An affidavit authorizing an agent to act on behalf of the owner if the petitioner is not the owner.
3. One copy of a site plan, drawn to scale.

The site plan should show all of the following:

- A. Location of all buildings and structures on the property;
- B. Location and number of parking spaces provided;
- C. Proposals for dealing with drainage on the property;
- D. Location of all utilities;
- E. Anticipated traffic circulation patterns; and
- F. Design techniques to be employed to protect adjoining property owners including landscape plantings, berms, grading, fences and other methods of screening.

Consideration should also be given to the storage of refuse and the provision of other amenities and facilities for the development (recreational areas, sidewalks, etc.)

When completing this form, please supply the most complete information possible relating to the existing and proposed use of the property. For example, if the property is residential, please give the number of units; if it is commercial or industrial, give the type of business or industry.

While not required, it would be advisable that the petitioner consults with a member of the Planning Department staff prior to submitting this petition. If assistance is required, please call: (269) 966-3320

It is always advisable that you contact the most immediately affected adjacent property owners prior to submitting this application. You may be able to minimize concerns that would otherwise be raised at a Public Hearing.

The completed petition form and the petition fee should be forwarded to: Planning & Community Development / 77 E. Michigan Avenue, Ste 204 / Battle Creek, MI 49017

***** **IMPORTANT NOTICE** *****

INASMUCH AS WE MUST PUBLISH A NOTICE OF THE PUBLIC HEARING ON THIS SPECIAL USE PERMIT, AND MAIL NOTICES TO ALL PROPERTY OWNERS WITHIN 300 FEET OF THE PROPERTY; THIS PETITION SHOULD BE SUBMITTED PRIOR TO THE PETITION DEADLINE DATE FOR THE MONTH AT WHICH YOU WANT THE PETITION TO BE CONSIDERED. THE PLANNING COMMISSION MEETS ON THE FOURTH WEDNESDAY OF EVERY MONTH, (4:00 P.M., AT 10 N. DIVISION, ROOM 301, COMMISSION CHAMBERS, CITY HALL). **NOTE: MONTHLY MEETING DATES & PETITION DEADLINE DATES ARE AVAILABLE ON OUR WEB SITE: **WWW.BATTLECREEKMI.GOV****

FOR CITY USE ONLY

Conditions Imposed with Approval:

Facts for Pam VanOosten Daycare

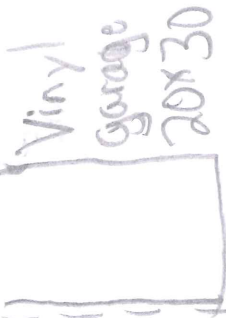
- 1.) Hours of operation: 6³⁰ AM - 5³⁰ PM.
- 2.) 2 car driveway for dropoff + pickup of children.
- 3.) Fenced in backyard - 6 foot high wooden gate. Very safe and secure for children.
- 4.) Smoke detectors, carbon monoxide detectors, and fire extinguishers on every floor of house.
- 5.) 2 licensed daycare providers on site anytime having over 6 children.
- 6.) Follows all State of Michigan daycare regulations.
- 7.) Hot tub locked at all times.
- 8.) Children are always in site of daycare providers.
- 9.) Endorsement and support from Lakeview ~~Area~~ NPC.
- 10.) Support from neighbors.
- 11.) Support from present daycare families.
- 12.) Backyard shed + vinyl garage always closed + locked
- 13.) Low traffic volume on Greenridge Rd.

Petition in support of Pam VanOosten

Oct. 2011

We, the undersigned, have no concerns or problems with Pam VanOosten expanding her licensed daycare to be able to provide daycare for up to 12 children. There will always be 2 daycare workers present to provide safe, nurturing, and professional care.

	<u>Name</u>	<u>Signature</u>	<u>address</u>
1.)	Sarah Boone	Sarah Boone	733 Greenridge
2.)	Sandra Sweet	Sandra Sweet	714 Greenridge Rd
3.)	Sheila Lancaster	Sheila Lancaster	711 Greenridge Rd.
4.)	Michelle Campbell	Michelle Campbell	719 Greenridge Rd
5.)	Gloria Lillie	Gloria Lillie	720 Greenridge
6.)	Donald YD	Donald YD	703 Greenridge.
7.)	Virginia Lee	Virginia Lee	727 Greenridge
8.)	Rick Graves	Rick E. Graves	707 Greenridge Rd.
9.)	Phyllis Talmage	Phyllis Talmage	708 Greenridge Rd
10.)	BEVERLY NARR	Beverly Narr	737 Greenridge Rd
11.)	Arlene Moore	Arlene Moore	788 Cambridge Dr.
12.)	Tiffany Echost	Tiffany Echost	776 Cambridge Dr.
13.)	MARMA D Begbe	MARMA D Begbe	768 Cambridge Dr.
14.)	Jennifer Richard	Jennifer Richard	760 Cambridge Dr
15.)	Richard Lee	Richard Lee	724 Greenridge



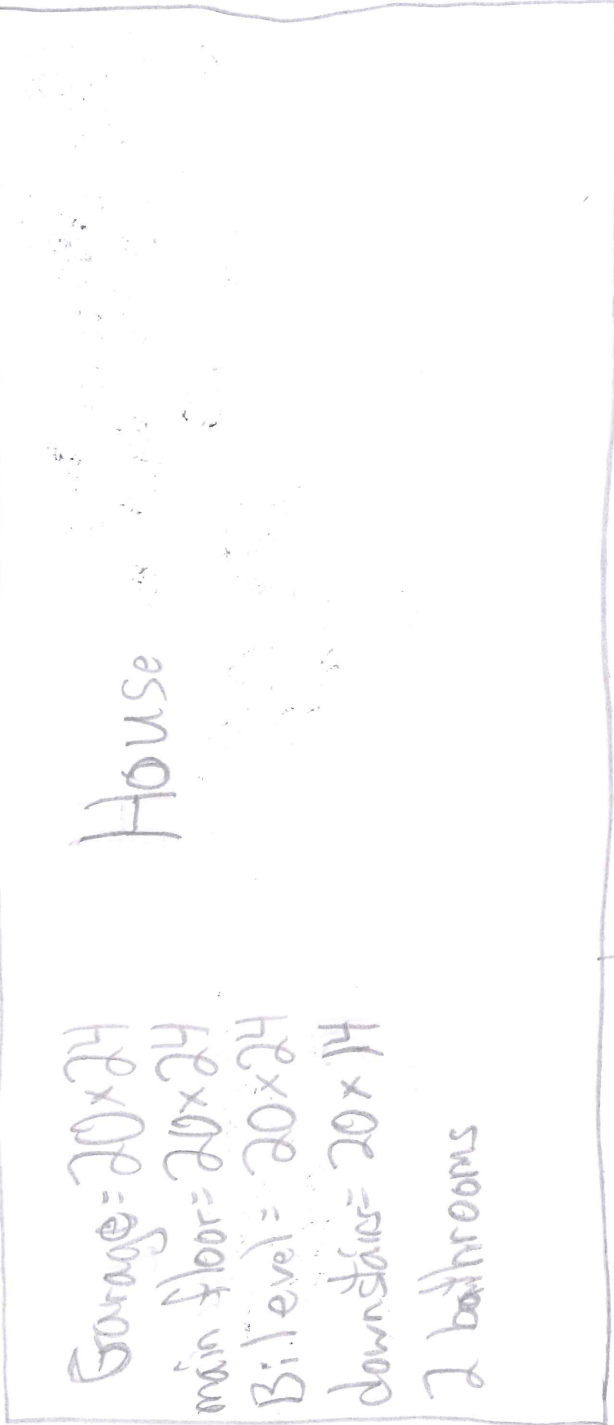
back yard

6 ft.
fenced
yard

6 ft.
fenced
yard

patio area

patio
area



House

Garage = 20x24
main floor = 20x24
Bi level = 20x24
downstairs = 20x14
2 bathrooms



2 car
Driveway

Frontage = 80 ft.
Depth = 120 ft.




October 9, 2011

To whom it may concern,

Pam VanOosten is currently the provider of my 3 year old son's childcare. Miss Pam has been a blessing to us. With her we know our child is very safe and loved while in her care. We consider her a part of our family. I recently had another child and will need to return to work soon. Pam is currently full and cannot accept any more babies. If you allow her to expand, then I will be able to take my newborn to Pam for the same great childcare experience that my older son has had. I really don't want to have to look for another childcare provider and I would appreciate being able to keep my older son in his familiar, safe, and loving environment of Pam's Daycare.

Thank you for your time and consideration. Feel free to call me for further information.

A satisfied and somewhat desperate mom,


Rhonda Smart

131 Park Place

Battle Creek, MI 49015

317-258-5676 cell

To Whom It May Concern:

Pam Vanoosten is the daycare provider for my 5 month old son, and has been since he was 7 weeks old. She is a very loving, trusting and caring person, who treats all of the children as her own. She provides a very safe, clean and comfortable environment for the children and is also very accommodating should a scheduling challenge arise.

Pam has always greeted us with such a welcoming smile and has made the transition for us as first time parents very smooth, as the thought of daycare was overwhelming for us. To know that everyday our son is being cared for as if we were there has been an extreme comfort, and we would love to have our future children experience the same care with Pam.

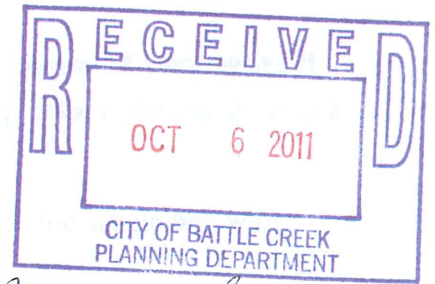
To see our son smile his big toothless grin every morning when he sees Pam just solidifies our wonderful choice of daycare.

Thank you.

Jared and Karen Dell

Karen Dell

OCT 5, 2011



RE: Special use permit # S-05-11

MRS. Pam Van Oosten
723 Greenridge Rd
Battle Creek, Mi 49015
Southgate #3 lot 153
Property ID # 8053-17-153-0

To: Dept of Planning and
Community Development
Commerce Pt
77 E. Michigan Ave.
Ste 204
Battle Creek, Mi 49017

attn: Christine Hilton AICP
Planning supervisor

Mrs. Pam Van Oosten has stated she will not
have any play ground in her front yard; with
that being said I have no objection to her having
a day care in her home.

Sincerely,

SANDRA SWEET
714 GREENRIDGE Rd
BATTLE CREEK, MI 49015

RE: Neighborhood Planning Council - Response to Day-care Special Use Permit
Randall Champlin

to:

LAParrish

10/19/2011 10:27 PM

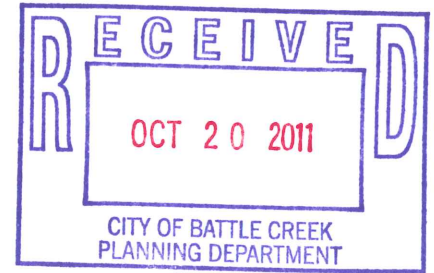
Hide Details

From: "Randall Champlin" <randall_champlin@sbcglobal.net>

Hi Leona,

This is from our Sept 28th Meeting minutes. I

FILE COPY



New business:

- Pam Van Oosten of 723 Greenridge Rd. would like to expand the licensed childcare in her home from 6 to up to 12 children. This would require a special use permit from the city. She talked about her plans and ask if the NPC has any questions. - Pam worked at Lakeview Schools and now provides day care service. Hours are 6:30 AM to 5:30 PM.

The members of the NPC ask several questions about the security of the home, the schedule for drop off and pick up, training required and notification of the neighbors. Mrs. Van Oosten answered these questions.

A motion was made by John Godfrey to note that NPC 11 has no objections to the request for a special use permit. Wendy Rominger seconded the motion. The motion passed unanimously with existing City Commissioners and County Commissioner Jim Haadsma abstaining.

I have also attached a copy for the Sept NPC 11 Meeting Minutes.

Thanks,

[randall.champlin]

-----Original Message-----

From: LAParrish@ci.battle-creek.mi.us [mailto:LAParrish@ci.battle-creek.mi.us]

Sent: Wednesday, October 19, 2011 9:35 AM

To: randall_champlin@sbcglobal.net

Subject: Neighborhood Planning Council - Response to Day-care Special Use Permit

Dear Mr. Champlin:

Recently a Mr. & Mrs. VanOosten of 723 Greenridge Rd. attended your Neighborhood Planning Council meeting to share with your NPC their request they submitted to the City of Battle Creek for a Special Use Permit to expand their licensed child day-care to allow for 7 to 12 children. (Mr. VanOosten stated they had attended and felt it went well and believe it had been voted upon favorably.)

Ms. Christine Hilton, Planning Supervisor for the City of Battle Creek is preparing the report to present to the Planning Commission for the October 26th meeting and would like to include your NPC's written response to their request in that report.

As Chairperson for the NPC, could you please provide a response to their request for a Special Use Permit.

Sincerely,

Leona A. Parrish

Administrative Assistant

**City of Battle Creek
Planning Department**

77 East Michigan Avenue



Minutes
Minges Brook/Riverside Neighborhood Planning Council (NPC) #11
Riverside Elementary School Library
650 Riverside Drive, Battle Creek, MI 49015
Wednesday Sept 28th, 2011

1. 7:00 PM – Welcome and opening

- 2. Attendance sheet:** James Baldwin, Jan Barry, Randall Champlin, John Godfrey, Jim Haadsma, Dave Hawks, Wendy Rominger, Susan Bedsole, Elizabeth Fulton, Susan Baldwin, Joyce Bishop, Andy Yankama

Guests: Dave Walters, Tim Bedsole, Mark and Pam VanOosten, Mark Benkee, Randaolph Kip, Jeff Domenico, Mark Behnke, Joe Domenico, Mary Elizabeth Domenico, Sarah and Dan Boone, Stella Korbak, Dave Domenico, Jeff Domenico, Kathy Domenico, Diane Krause, Mark Krause

- 3. Approval of the May 25th meeting's minutes** was motioned by John Godfrey, support by Wendy Rominger. Jan Barry recommended amendments to minutes. Updated May minutes are saved as "*NPC 11 Minutes for Wed May 25 2011 with Sep 28 update.doc*". May Minutes were approved as amended.

4. Correspondence sent/received - Nothing recent

5. City staff reports -

- Police Department Report No report
- City representative Susan Bedsole: City Clerk, Code and inspection offices have shared services. These offices will see some change as they are separated so they can each focus on their separate functions. The City will have a new building inspector next week. He will be inspecting commercial buildings. Home inspections continue, Dave Hawks noted that some side walk corners are being replaced with ramps. Some still have plastic packaging attached.
- City/County Commissioners' reports: Commissioner Elizabeth Fulton – mentioned running unopposed but will pass out info this week. Commissioner Dave Walters.. noted that a new express bus will transport people to and from downtown and the Mall and that a circuit bus will take them to other commercial areas.

Dave Hawks commented that he would like to hear what commissioners felt about candidates or commissioners that have not paid their taxes. Candidates agreed to comment during their remarks as part of this month's program.

6. Committee reports

- Beautiful Battle Creek Award – Ann Wyson; Absent
- CDAC and Membership – Wendy Rominger – Nothing new
- Neighborhoods and Land Use – John Godfrey –The zoning commission is revamping the zoning code. It had not be
 - i. Downtown's "Fall into the Arts" is upcoming October 14
 - ii. Oct, 10 ..6-8:30 Several groups are sponsoring a candidate forum at first Congregational Church
- NPC 11 Programs – James Haadsma –October Program will be Kathy Antaya

7. Old business from previous meetings: None

8. New business:

- Pam Van Oosten of 723 Greenridge Rd. would like to expand the licensed childcare in her home from 6 to up to 12 children. This would require a special use permit from the city. She talked about her plans and ask if the NPC has any questions. - Pam worked at Lakeview Schools and now provides day care service. Hours are 6:30 AM to 5:30 PM.

The members of the NPC ask several questions about the security of the home, the schedule for drop off and pick up, training required and notification of the neighbors. Mrs. Van Oosten answered these questions.

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- This month's program – City commission candidate remarks. NPC 11 heard brief remarks and had a Q&A session with the following candidates:
 - At large Commissioner and Mayor Susan Baldwin
 - Ward 4 Commissioner Elizabeth Fulton
 - At Large Commissioner Dave Walters
 - Ward 5 city Commission Candidate Jeff Domenico
 - Ward 5 Commissioners Andy Yankama
 - At Large candidate Andy Helmboldt
 - At Large candidate Mark Behnke attended but had to leave the meeting before getting a chance to speak

9. Public comments: none

10. Members' comments

11. Next meeting: Wednesday, October 26th, 2011 7:00PM, Riverside Elementary Library

- Program Topic: Kathy Antaya to discuss the local fresh food initiatives: Good Food BC, Sprout Urban Farms, and Green Fist

12. 8:15 PM – Adjournment